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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,605	05/18/2004	John C. Wang	12445-US-PA	3604

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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07/16/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/709,605	Applicant(s) WANG ET AL.	
	Examiner Nelson D. Hernández	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) 11-16, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Election/Restrictions

2. Applicant's election of **Species 1 (Claims 1-10 and 17-19)** in the reply filed on March 21, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The Applicant appears to argue that there are small differences between the Species 1-3 and that should be considered together. The Examiner understands that the structures in the different embodiments are different since Species 1 presents a portable phone where the camera can be pivoted relative to the phone, the camera being located on the top rear portion of the body of the phone, while in **Species 2**, the phone is a foldable phone, wherein the camera is integrated to a portion of the foldable phone and when the phone is folded exposes the display of the phone through a window on the body having the camera. **Species 3** is different from **Species 1 and 2** because it is a foldable phone where the wherein a portion having a window and a display rotates all the way to the rear of portion where the number keys are located so that the camera is exposed through the window. Therefore, the Examiner understands that the requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2, 9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Heurtaux, US 2002/0077069 A1.**

Regarding claim 1, Heurtaux discloses a handheld electronic device (Fig. 2a), comprising: a first casing (Fig. 2a: 1) having a front surface (See figs. 2a and 2b) and a rear surface (See fig. 2b), a display screen (Fig. 2a: 7) being mounted on the front surface; a second casing (Fig. 2a: 4) pivoted to the rear surface of the first casing about a hinge section (See figs. 2a and 2b; page 1, ¶ 0016); and an image-capturing apparatus (Fig. 2a: 2) set up on the second casing for capturing an image, wherein the image-capturing apparatus is set up at a distance away from the hinge section between the first casing and the second casing (As shown in fig. 2a, the image-capturing apparatus 2 is set up at a distance away from the hinge section between the first casing 1 and the second casing 2), and the second casing is permitted to move between first and second positions (See fig. 2b), wherein at the first position, the second casing is received in the rear surface of the first casing (Note in fig. 2b that in one of the positions the casing is received in the rear surface of the first casing), and at the second position, the second casing is located outside the first casing and the image-capturing apparatus and the display screen face a same direction (Note in fig. 2b, in a different position, the second casing is located outside

the first casing and the image-capturing apparatus and the display screen face a same direction) (Page 1, ¶ 0016-0019).

Regarding claim 2, Heurtaux further discloses that the image-capturing apparatus and the display screen each face a different direction when the second casing is at the first position (As shown in fig. 2b in one of the positions, the image-capturing apparatus 2 and the display screen each face a different direction. This is when the image-capturing apparatus 2 is rotated so that it faces to the rear of the handheld device) (Page 1, ¶ 0016-0019).

Regarding claim 9, limitations in claim 9 are similar to the limitations in claims 1 and 2. Therefore, limitations have been discussed and analyzed in claims 1 and 2.

Regarding claim 17, limitations in claim 17 are similar to the limitations in claims 1 and 2. Therefore, limitations have been discussed and analyzed in claims 1 and 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3-8, 10, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heurtaux, US 2002/0077069 A1 in view of Fuchimukai et al., US Patent 6,741,287 B1.**

Regarding claim 3, Heurtaux does not explicitly disclose that the rear surface of the first casing comprises a hinge-accommodating groove accommodating the second casing, the groove having an opening through a top wall of the first casing, the image-capturing apparatus extending through the opening when the second casing is located at the second position.

However, the concept of having a handheld device comprising a moving element that rotates about a hinge that is located in a groove that stores the moving element at a position and allows the moving element to extend through the opening of the groove when positioning the moving element to another position is taught in the Fuchimukai et al. reference. Fuchimukai et al. discloses an electronic camera (Fig. 1), comprising a monitor device (Fig. 1: 100), said camera comprising a hinge-accommodating groove (Fig. 1: 14) accommodating the casing of the monitor device (See figs. 1 and 2), the groove having an opening through a top wall of the first casing (See groove 14 having an opening through a top wall of the camera casing), the monitor device extending through the opening when the monitor casing is located at the second position so that that the camera and the monitor device each face a different direction when the second casing is stored in the groove (this reads as a first position first position) (Col. 4, line 25 – col. 5, line 64).

While it may not be explicitly stated in Fuchimukai et al. that the concept of having a monitor device rotating about a camera device can be adapted or applied to an electronic device having the camera rotating about the body of the electronic device having the display in it, it is well known to a skilled artisan that the handheld device in Heurtaux and the camera in Fuchimukai et al. are in the same field of endeavor as they are both image photographing devices and are reasonably pertinent to solving the

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problem of storing a portion of an electronic device into the main body of the electronic device, and would have commended themselves to an artisan addressing such a problem. In re Clay, 966 F.2d 656, 658, 23 USPQ2d 1058, 1060 (Fed. Cir. 1992). Furthermore, the Examiner understands that the use of known technologies or applications in electronic cameras may prompt variations of it in either similar devices as well as different devices in different field of inventions based on particular limitations, advantages found in the known art, design incentives of other market forces.

Therefore, taking the combined teaching of Heurtaux in view of Fuchimukai et al. as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply the concept of having a handheld device comprising a moving element that rotates about a hinge that is located in a groove that stores the moving element at a position and allows the moving element to extend through the opening of the groove when positioning the moving element to another position is taught in the Fuchimukai et al. reference to modify the handheld device in Heurtaux to have the rear surface of the first casing comprises a hinge-accommodating groove accommodating the second casing, the groove having an opening through a top wall of the first casing, the image-capturing apparatus extending through the opening when the second casing is located at the second position. The motivation to do so would have been to allow storage of the camera device to the main casing of the handheld device while also allowing to rotate the second casing so that the image-capturing device and the screen are able to face either the same direction or different directions and to reduce the size of the camera as taught in Fuchimukai et al. (Col. 1, line 51 – col. 2, line 12, col. 15, lines 46-67).

Regarding claim 4, the combined teaching of Heurtaux in view of Fuchimukai et al. as discussed and analyzed in claim 3 further teaches that the top wall of the first casing has an extension plate (As shown in fig. 1, front rear detection pin 56a that extending from the top portion of the camera) over the opening, and the second casing has a groove (Fig. 2: 110) accommodating the extension plate when the second casing is at the second position (Note that the pin is accommodated in the groove when the monitor is rotated into the position that allows to have the camera and the monitor to face in the same direction; see fig. 2; col. 7, line 45 – col. 8, line 57). The Examiner understands that although the Fuchimukai et al. discloses a pin and not a plate, one of an ordinary skill in the art would find obvious at the time the invention was made to alter the shape of the pin into any form as needed as a matter of design choice since the detector would operate with the same results. Grounds for rejecting claim 3 apply here.

Regarding claim 5, the combined teaching of Heurtaux in view of Fuchimukai et al. as discussed and analyzed in claim 3 further teaches that when the second casing (monitor casing in the Fuchimukai et al. reference) is at the second position, the second casing tightly abuts against an edge of the top wall of the first casing (Note that the monitor casing in Fuchimukai et al. abuts against an edge of the top wall of the main casing as shown in fig. 2). Grounds for rejecting claim 3 apply here.

Regarding claim 6, the combined teaching of Heurtaux in view of Fuchimukai et al. as discussed and analyzed in claim 3 further teaches that the image-capturing apparatus has a lens (Heurtaux, page 1, ¶ 0015; Fuchimukai et al., fig. 2: 12). Grounds for rejecting claim 3 apply here.

Regarding claim 7, the combined teaching of Heurtaux in view of Fuchimukai et al. as discussed and analyzed in claim 3 further teaches that the handheld electronic device has wireless communication capability (Heurtaux, page 1, ¶ 0015-0017; page 2, ¶ 0025-0029; page 3, ¶ 0034-0035).

Regarding claim 8, the combined teaching of Heurtaux in view of Fuchimukai et al. as discussed and analyzed in claim 3 further teaches that the handheld electronic device is a mobile phone (Heurtaux, page 1, ¶ 0015-0017; page 2, ¶ 0025-0029; page 3, ¶ 0034-0035).

Regarding claim 10, limitations have been discussed and analyzed in claim 3.

Regarding claim 18, limitations have been discussed and analyzed in claim 3.

Regarding claim 19, the combined teaching of Heurtaux in view of Fuchimukai et al. as discussed and analyzed in claim 3 further teaches keys (See Heurtaux, fig. 1: 20) on the first casing for manipulating the image-capturing apparatus. Grounds for rejecting claim 3 apply here.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nelson D. Hernández
Examiner
Art Unit 2622

NDHH
July 3, 2008

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622